

ZENAIDA C. GEROCHI, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

Ponente: BRUSELAS, JR. J.

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BRUSELAS, JR. J.:

Before the court is a Motion[1] filed by petitioner Zenaida Gerochi (Gerochi), seeking the reconsideration of the Decision[2] of 6 November 2014. Also before the Court is a Comment[3] of the Office of the Solicitor General in opposition to a reconsideration.

Gerochi calls the attention of the Court to the inapplicability of the rule, that the failure to object to offered evidence renders it admissible, in the present case. She claims that she was not able to controvert the admissibility of the prosecution's evidence because her previous counsel died without her knowledge.

We are not convinced. Under Section 36, Rule 132 of the Rules of Court, objection to evidence offered orally must be made immediately after the offer is made while objection to evidence offered in writing shall be objected to within three (3) days after notice of the offer unless a different period is allowed by the court. It must be noted that during these periods provided by the Rules, Gerochi could still validly make an objection to the prosecution's offer of evidence, which was made on 11 March 2010, because, at that time, her counsel was still alive. In fact, the death of her counsel could not in any way hinder her opportunity to object to the admissibility of the prosecution's evidence, because when her counsel allegedly died on 19 November 2010, the period to make an objection to the prosecution's offer of evidence had already lapsed.

Gerochi also argues that the prosecution failed to establish her guilt beyond reasonable doubt. According to her, the prosecution failed to prove that she had received the notice of dishonor. She points out that the Court erred in considering her letter dated 28 May 2011 as being an indication of the required notice. She likewise contends that the penalty of fine would have been sufficient.

After a careful assessment of the above allegations and the arguments in support thereof, as well as the comment in opposition thereto, we find the same to be a mere rehash of the issues and arguments raised in the petition and which have already been passed upon in our Decision. Hence, we find no cogent reason to reverse, much less, modify our Decision.

WHEREFORE, the petitioner's motion for reconsideration is DENIED.

IT IS SO ORDERED.

PJ Reyes, Jr., A.B., Chairperson and Gaerlan, JJ., concur.

[1] Rollo, pp. 135-139.

[2] Rollo, pp. 119-129.

[3] Rollo, pp.142-143.

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